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December 6, 2018

Judicial Vacancy Advisory Commission
% Brian Abraham, General Counsel
Office of the Governor
State Capitol
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Debra Scudiere, Chair
Kay Casto & Chaney, PLLC
1085 Van Voorhis Road, Suite #100
Morgantown, West Virginia 26505

Re: West Virginia Supreme Court of Appeals Vacancy

Dear Mr. Abraham, Ms. Scudiere, and members of the WV Judicial Vacancy Commission:

As you are aware, following the departures of Justices Ketchum and Davis from the West Virginia Supreme Court of Appeals I submitted my candidate application to temporarily fill one of those vacancies. I was honored to be interviewed by the commission and be listed as a best qualified person in your letter of August 24, 2018 to Governor Justice.

Following the recent resignation of Justice Loughry, I again submitted an application with the commission for appointment to this vacancy. My reasoning was the same as my previous application, to help restore the real and public perception of integrity, dignity, and unbiased application of the law to the West Virginia Supreme Court of Appeals. However, having now had the opportunity to review the list of candidates and their qualifications, I feel that it is in the best interest of the commission, the Supreme Court of Appeals, and the citizens of West Virginia for me to withdraw my name from consideration for this vacancy. On this occasion the applicants include three circuit court judges and one family court judge, all offering significant knowledge, experience, and appropriate judicial temperament. With the difficult job before this committee it would be unfair of me to continue.

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However, I would like the committee to know that I strongly endorse and recommend one candidate in particular, Judge Joanna Tabit. As you know, Judge Tabit spent her legal career with the defense firm of Steptoe & Johnson before being appointed and then elected as a judge of the 13th Judicial Circuit. Judge Tabit, as a practicing lawyer and judge, has earned the respect of members from both sides of the bar. Her dedication and commitment to a fair and impartial judiciary is without question. Judge Tabit recently ran a positive and largely successful campaign for a seat on the Supreme Court and on November 6, 2018 received the third highest vote total (110,340) among a large and geographically wide reaching group of candidates. To me this not only illustrates her hard work, persistence, and dedication but the trust of West Virginia citizens. In my opinion, she has earned very strong consideration. Finally, it is important for you to know that until copying her on this letter Judge Tabit was not aware of my withdrawal or endorsement.

Once again, thank you so much for the honor of being a candidate, for your recommendation in August 2018, and for the continuing great work you do for West Virginia.

Respectfully Yours,



Gregory B. Chiartas

GBC/lw

cc: Joanna Tabit, Judge